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17 ROCHELLE LEININGER

18 UNITED STATES DISTRICT COURT  
19 NORTHERN DISTRICT OF CALIFORNIA  
20

21 ROCHELLE LEININGER,

22 Plaintiff,

23 vs.

24 MERRILL LYNCH, PIERCE, FENNER &  
25 SMITH, INCORPORATED; BANK OF  
AMERICA CORPORATION, and DOES  
1-20, inclusive,

26 Defendants.  
27  
28

CASE NO. CV-11-2623 LB

**[PROPOSED] ORDER TO STAY CASE  
AND SUBMIT CLAIMS TO  
ARBITRATION**

Judge: Honorable Laurel Beeler  
Place: Dept. 4

Complaint Filed: June 1, 2011

1 Plaintiff Rochelle Leininger ("Plaintiff"), by and through her attorneys of record and  
 2 Defendants Merrill Lynch, Pierce, Fenner & Smith Incorporated and Bank of America  
 3 Corporation ("Defendants"), by and through their attorneys of record, entered into the following  
 4 stipulation:

### 5 STIPULATION

6 1. The Parties agree to stay the proceedings in this action until the conclusion  
 7 of the arbitration and to submit Plaintiff's claims as set forth in the Complaint to arbitration  
 8 before the Financial Industry Regulatory Authority pursuant to its Code of Arbitration Procedure  
 9 for Industry Disputes (the "FINRA Code"). Plaintiff shall so submit her claims within ninety (90)  
 10 days from the date of the execution of this Stipulation.

11 2. Defendants agree that any applicable statutes of limitation for Plaintiff's  
 12 claims set forth in the Complaint have been tolled since June 1, 2011, the date the Complaint was  
 13 filed and will remain tolled for ninety (90) days from the date of the execution of this stipulation.

14 3. The parties agree that the Plaintiff may bring all of her claims in FINRA's  
 15 arbitration forum and that the Complaint shall be deemed to be Plaintiff's Statement of Claim,  
 16 subject to her right to amend under the FINRA Code, in arbitration once she has submitted it to  
 17 FINRA.

18 4. Defendants agree that they will pay the arbitration unique costs of the  
 19 FINRA arbitration, pursuant to state law.

20 5. The hearing on Defendants' Motion to Compel Arbitration and Stay  
 21 Litigation noticed for hearing on August 11 is vacated along with all other dates set in this matter.

### 22 IT IS SO ORDERED.

23 The parties shall submit a joint status statement no later than February 1, 2012.

24 DATED: July 27, 2011

25 BY: \_\_\_\_\_

The Honorable Laurel Beeler  
 United States District Magistrate Judge  
 Northern District of California



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